



PATENT
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GROUP 1800

Applicants : Enzo Paoletti et al.
Serial No. : 08/228,926
Filed : April 18, 1994
For : METHODS USING MODIFIED VACCINIA VIRUS
Group Art Unit : 1813
Examiner : J. Ellis

#14
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5/27/94

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Thomas J. Kowalski
Signature

12 May 1994
Date of Signature

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §§1.97 AND 1.98**

Hon. Commissioner of Patents and Trademarks
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Sir:

Further to the Information Disclosure Statement
submitted August 13, 1992, the January 8, 1993 Office Action and
July 8, 1993 Amendment in application Serial No. 07/881,995 and,
the Preliminary Amendment in this application, this Supplemental

Information Disclosure Statement includes the following documents
(except as otherwise indicated):

1. Bossart, et. al., Chem Abstr. **89**, (1978) 56,251n.
2. Chem. Abstracts, 10th Coll. Index, (1977-1981), vols. 86-95, Virus, Animal Vaccinia Virus
3. Comprehensive Virology, Fraenkel-Conrad et. al., vol. **3**, Ch. 5, pp. 405, 427, Plenum Press, New York.
4. Ensinger, et. al., "Marker Rescue..." J. Virol. **48**(2); 1983, 419-428.
5. Fenner, F., Virology, **8**, 499-507, (1959).
6. Jones et al., "Mapping of the Vaccinia Virus, etc." J. Virol. **49**(1); 1984, 72-77.¹
7. Katz, et. al., C.A. **89** #39241s, (1978), of J. Antimicrob. Chemother. 1978 **4**(2): 159-162, Genetic Recombination Between Temperature Sensitive Mutant and IBT Resistant Mutant of Vaccinia Virus.
8. Kruczek-Juszczyk C.A. 92#126795f, (1980) of Ann. Univ. Mariae-Curie Sect. C, 1978, **33**: 1-8, Interferon Induction by viral Nucleic Acids in Chick Embryo Fibroblasts.
9. Miller et al., J. Gen. Virol. **38** (1977) 135-147.¹
10. Moss, et. al., J. Virol. **40**, No. 2, (1981), pp. 387-389., & 393-395.
11. Moss, et. al., Chem. Abstr. vol. **95**, (1981), p. 217, 559k.
12. Nakano, et. al., Proc. Natl. Acad. Sci. USA, **79**, (1982), pp. 1593-1596.
13. Nippon-Zoki Pharm. C.A. 94 #7711g, (1981) of Jpn. Kokai Tokkyo Koho 8087724, 2 Jul. 1980, Selective Immune Enhancer.

¹ Applicants' attorney is still in the process of locating document and will supply same upon receipt or request; and, it is respectfully requested that the Examiner also review the files of predecessor applications for the document.

14. Panicali, D., et. al., J. Virol. **37**, 1000-1010, (1981).
15. Panicali, D., et. al., Proc. Natl. Acad. Sci. USA **80**, 1983, 5364-5368.
16. Panicali, D., et. al., Proc. Natl. Acad. Sci. USA **79**, 4927-4931 (1982).

17. Abstracts from Pox-Iridovirus Meeting, Cold Spring Harbor, Sept. 20-23, 1982, J. Holowczak, Rutgers Medical School, Riccardo Wittek, University of Lausanne, Participant Housing List.^{2,3}
18. Schuemperli et al. Chem. Abst. vol. 92 (1980) p. 124, 733k.
19. Shigeru, et al., C.A. 86, #3119g, 1977 of Yakugaku Zasshi (1976)96(10): 1247-1254, Protein Inhibitors of Gastric Acid Secretion Isolated From Vaccinia Virus-Infected Tissues.
20. Shigeru, et al., C.A. 88 #5506lt, 1978 of Japan Kokai 771166402, 29, Sep. 1977, Gastric Juice Secretion-Inhibiting Protein From Vaccinia Virus Infected Animal Tissues.
21. Sveda, et. al., Proc. Natl. Acad. Sci. 78, 5488-5492 (1981).
22. Nakano, et al., Abstract from Third Poxvirus-Iridovirus Workshop, Cold Spring Harbor, Sept. 15-18, 1980, Workshop Program.
23. Weir, et. al. Proc. Natl. Acad. Sci. USA 79, 1982, 1210-1214.
24. Declaration of Marion Perkus, Nov. 10, 1993, In re: European Patent No. 0 110 385 B1, European Appln. No. 83 111976.3.²

* * *

² Cited in Opposition to European Patent No. EP-BP-0 110 305, (European Appln. No. 83 111976.3) issued (filed) in the name of the United States of America, named inventors Moss et al., and, claiming priority from U.S. applications Serial Nos. 445,451, filed November 30, 1982 and 445,892, filed December 1, 1982 (such that if the Moss et al. U.S. applications or any descendants therefrom are pending, these documents may be pertinent to those applications; however, in view of the December 24, 1981 effective filing date of the present application, these documents and disclosure (note content of Declaration) are not prior art with respect to the present application).

³ Note especially the Abstracts at pages 31, 40, 42, 52, 54 and 59 of the talks from Moss' laboratory and, the Abstract of the talk from Dr. Paoletti's laboratory at page 55. However, this document (and these Abstracts) are not prior art with respect to the present application.

This Supplemental Information Disclosure Statement is not a representation that the documents cited herein are considered most pertinent, or that a search has been undertaken, or that any of the cited documents are indeed prior art. The Examiner is invited to undertake an independent search. Applicants assert that the claimed invention is patentable over these documents.

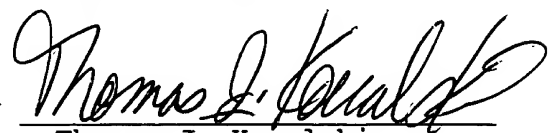
Applicants respectfully request that the Examiner consider and make of record the documents cited herein, and that a copy of the List of References Cited by Applicant, appropriately initialed by the Examiner, be returned to Applicants attorney.

It is believed that no fee is due for consideration and entry of the documents cited herein because these documents are submitted in response to a request by the Examiner. However, if a fee is due for consideration and making of records, the documents cited herein or, if there is any overpayment therein, such is to be charged or credited to Deposit Account No. 03-3925.

Respectfully submitted,

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